

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MONTGOMERY DIVISION

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U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

DANIEL LAFITTE DuMONDE,
Plaintiff,

V.

CASE NO. 2:08-cv-151-MHT

UNITED STATES DEPT. OF JUSTICE;
Et.Al.,
Defendants.

OBJECTIONS TO MAGISTRATE REPORT AND RECOMMENDATION

COMES THE PLAINTIFF, DANIEL LAFITTE DuMONDE, and Objects to
The Magistrate's Report and Recommendation in this case, and
as follows:

(1) The Magistrate has cited 28 U.S.C. §1915's provisions of a
"Three Strike" prohibition against litigants proceeding in "Forma
Pauperis", and that this provision precludes relief to the
Plaintiff in this case as he has had three lawsuits dismissed
in the past. The Magistrate has also cited that Plaintiff has
not pleaded any exception to §1915's prohibition, by asserting
any Physical Injury, or imminent danger.

(2) First, Plaintiff HAS PLEADED PHYSICAL INJURY: On Plaintiff's
Complaint PAGE ONE, bottom paragraph, Plaintiff states that the
Attorney General appears to ignore Irrefutable Facts- "at the
Expense of of Plaintiff's CONTINUED LEGAL,-PHYSICAL-MENTAL AND
EMOTIONAL INJURY". Id . Complaint Page ONE.

(2) Plaintiff asserts Manifest Constitutional Error in his Complaint, which contests the Authority of the Federal Government to have ever Seized the Plaintiff's Person-or the Subject Matter-and Plaintiff asserts, as per the language of the **Statute, Title 5-U.S.C., §702, as is the very Title of this Statute-"RIGHT TO REVIEW"**, is unambiguous as to Congressional intent, being a "RIGHT".

(3) Plaintiff Objects that he was a lawfully declared Medically Disabled Person at the time of his illegal Abduction, first by the State of Alabama, and then by the Defendant U.S. DEPT OF JUSTICE of the same facts, and that after more than **FOUR Years of Jail and Prison, his (L-4 and L-5 Spinal Discs DIability)** Has been Made Worse by his illegal confinement, and by the confinement in General, which has increased his Back-Pain.

(4) Plaintiff HAS INJURED HIS KNEE in Prison, and this Injury Remains very Painful-Requiring Surgery. The Injury was sustained in Sept. 2006, and was examined by Dr. Michael E. Freeman, Montgomery, ALabama. Plaintiff has refused necessary surgery while in Prison, as he fears for his life to be anesthetized, that intentional and Mortal Injury may result from such anesthesia. Therefore, Plaintiff's injury is Twofold: PHYSICAL PAIN, AND PSYCHOLOGICAL INJURY BY EMOTIONAL DISTRESS/ANGUISH. Plaintiff was warned by Dr. Freeman that should he injure the Knee again, the existing injury would be more serious to operate.

" When threat or prison conditions is real and proximate, and when potential consequence is serious physical injury, then courthouse doors are open even to those who have filed three frivolous suits and do not have penny to their names".
Lewis v. Sullivan, (2002, CA7 Wis) 279 F3d 526.

In Summary,

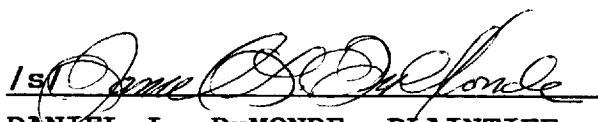
Plaintiff Asserts That he has "RIGHT" to review, when the Respondent/Defendants have **Duty** to determine, as does this Court, whether Personal Jurisdiction of Plaintiff was ever had, and when Personal Jurisdiction is so contested. Plaintiff was and is Permanently medically disabled with Spinal Injury, and has not, and is not being given adequate Medical treatment for his lower Back. Plaintiff has also injured his Knee which requires immediate surgery, and remains in excruciating pain, afraid to be put to sleep for the needed Knee Surgery, and continues to suffer both Physical Pain and emotional Distress.

In Conclusion,

Plaintiff should be allowed, on the above premises considered, to Proceed to Review of his Egregious Unconstitutional and unlawful circumstance, without pre-payment of fees.

The Above Sworn under penalty for Perjury, Title 18,
-U.S.C. §1621, and Title 28 U.S.C. §1746.

RESPECTFULLY SUBMITTED,


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